

Sixth Appellate District

San Jose, California

MONDAY, SEPTEMBER 29, 2003

H024956 SAN BENITO CO. DEPT. OF CHILD SUPPORT SERVICES v.
MIRANDA

The judgment is reversed and remanded for recalculation of child support arrears. Specifically, the court is ordered to apply section 17402 to determine the availability of arrears retroactive to January of 1999. (not published)
(Rushing, P.J.; We concur: Premo, J., Bamattre-Manoukian, J.)
Filed September 29, 2003

H024498 PEOPLE v. MACK

The judgment is modified to give defendant credit for 822 days of actual custody, plus 410 days of conduct credit, for a total of 1232 days. The superior court is ordered to amend the abstract of judgment accordingly and to send a certified copy of the amended abstract of judgment to the Department of Corrections. As modified, the judgment is affirmed. (not published)
(Rushing, P.J.; We concur: Premo, J., Bamattre-Manoukian, J.)
Filed September 29, 2003

H025073 In re JOHN C.; DFCS v. THERESA C., et al.

The order appealed from is affirmed. (not published)
(Rushing, P.J.; We concur: Premo, J., Bamattre-Manoukian, J.)
Filed September 29, 2003

H024725 BUSH v. LENNOX, et al.

The judgment is affirmed. (not published)
(Wunderlich, J.; We concur: Elia, Acting P.J., Mihara, J.)
Filed September 29, 2003

H025283 MARRIAGE OF WOOD

The order is affirmed. (not published)
(Wunderlich, J.; We concur: Elia, Acting P.J., Mihara, J.)
Filed September 29, 2003

Sixth Appellate District

San Jose, California

TUESDAY, SEPTEMBER 30, 2003

H023444, H023848 FLEXTRONICS INTERNATIONAL USA, INC. v CURTIS

The judgment is reversed. The matter is remanded for further proceedings to recalculate the damages incident to the court's specific performance decree in accordance with this opinion.

The post-judgment order awarding costs and attorney fees is also reversed. The trial court is directed to vacate its order awarding Flextronics non-statutory costs in the amount of \$8,211.68. The court is also directed to reevaluate the propriety of awarding expert witness fees pursuant to section 998. We do not disturb the portions of the court's post-judgment order awarding Flextronics \$340,117.50 in attorney fees and \$13,287.18 in statutory costs. Each party shall bear his or its own costs on appeal. (not published)

(Wunderlich, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed September 30, 2003

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Wunderlich, J.; Mihara, J.; and R. W. Norvelle, Deputy Clerk.

H024512 PEOPLE v. PLOURDE

Cause called and argued by John A. Halley appearing for Appellant and by Michael E. Banister, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Rushing, P.J. leaves the bench and Elia, J. takes the bench.

H025159 Conservatorship of Person and Estate of FAUSTINO

Cause called and argued by Perry E. Olsen appearing for Appellant and by Cheryl L. Feiner, Deputy Attorney General, appearing for Respondent Director of Developmental Services and by James McMillian appearing for Respondent Maria Faustino. Cause ordered submitted.

H022091 BROOKS v. CITY OF SAN JOSE, et al.

Cause called and argued by James McManis appearing for Appellant and by Clifford S. Greenberg, Deputy City Attorney, appearing for Respondents. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Tuesday, September 30, 2003 (continued)

H023828 NICHOLSON v. FAZELI, et al.

Cause called and argued by James Link appearing for Appellant and by Raymond Coates appearing for Respondent Said Fazeli and by William Jermott appearing for Respondent R. W. Litherland and by Jesse F. Ruiz appearing for Respondents Polad Fazeli, et al. Cause ordered submitted. Court recesses until 1:30 p.m.

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Premo, Acting P.J.; Elia, J.; Bamattre-Manoukian, J.; and Beth Miller, Deputy Clerk.

H024797 PEOPLE v. APODACA

Cause called and argued by Thea Greenhalgh appearing for Appellant and by Rene A. Chacon, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H024717 PEOPLE v. CANTU

Cause called and argued by Kathleen W. Novoa appearing for Appellant and by David M. Baskind, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Elia, J. leaves the bench and Wunderlich, J. takes the bench.

H024142 CDM INVESTORS, et al. v. AMERICAN NATIONAL FIRE INSURANCE COMPANY, et al.

Cause called and argued by Alan L. Martini appearing for Appellants and by William J. Baron appearing for Respondent, American National Fire Insurance Company and by Linda Wendall Hsu appearing for Respondent, TIG Insurance Company and by Joel Dean Kitchens appearing for Respondent, Travelers Casualty and Surety Company. Cause ordered submitted.

Bamattre-Manoukian, J. leaves the bench and Elia, J. takes the bench.

H024214 VARIAN MEDICAL SYSTEMS, INC., et al. v. DELFINO, et al.

Cause called and argued by Jon B. Eisenberg appearing for Appellants and by Lynne C. Hermle appearing for Respondents. Cause ordered submitted. The court is adjourned.

Sixth Appellate District

San Jose, California

Tuesday, September 30, 2003 (continued)

H024174 GARZA v. GOURLEY, as Director, etc.

The judgment is reversed. The parties are to bear their own appeal costs. (not published)

(Elia, J.; We concur: Premo, Acting P.J., Bamattre-Manoukian, J.)
Filed September 30, 2003

WEDNESDAY, OCTOBER 1, 2003

H025126 In re ASHLEY B.; DFCS v. SUSAN P.

The dispositional order is affirmed. (not published)

(Elia, Acting P.J.; We concur: Wunderlich, J., Mihara, J.)
Filed October 1, 2003

H025138 PEOPLE v. FRASER

The judgment is affirmed. (not published)

(Bamattre-Manoukian, J.; We concur: Rushing, P.J., Premo, J.)
Filed October 1, 2003

THURSDAY, OCTOBER 2, 2003

H024530 SHEN, et al. v. WONG, et al.

By the Court*:

Respondents' petition for rehearing is denied.

Filed: October 2, 2003

*Before Elia, Acting P.J., Wunderlich, J. and Mihara, J.

H019719 PEOPLE v. TOTARI

(Filed order modifying opinion.) This modification does not affect the judgment. The petition for rehearing is denied. (published)

(Mihara, J.; We concur: Rushing, P.J., Elia, J.)

Filed October 2, 2003

H025096 PEOPLE v. ROSAS

The judgment is affirmed. (not published)

(Elia, Acting P.J.; We concur: Wunderlich, J., Mihara, J.)
Filed October 2, 2003

H025434 Estate of GARRETSON B. MURPHY

The order is affirmed. (not published)

(Elia, Acting P.J.; We concur: Wunderlich, J., Mihara, J.)
Filed October 2, 2003

Sixth Appellate District

San Jose, California

Thursday, October 2, 2003 (continued)

H024896 PEOPLE v. HEFFINGTON

The judgment is affirmed. (not published)
(Elia, Acting P.J.; We concur: Wunderlich, J., Mihara, J.)
Filed October 2, 2003

FRIDAY, OCTOBER 3, 2003

H025591 PEOPLE v. PROKL

The judgment is affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Wunderlich, J.,
Mihara, J.)